

UNFINISHED BUSINESS

Bill No: SB 561
Author: Blakespear (D), et al.
Amended: 7/2/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 9-0, 8/26/26

AYES: Umberg, Niello, Ashby, Caballero, Durazo, Laird, Reyes, Weber Pierson, Wiener

NO VOTE RECORDED: Allen, Stern, Valladares, Wahab

ASSEMBLY FLOOR: 78-0, 8/25/26 - See last page for vote

SUBJECT: Appointment of public guardians

SOURCE: California State Association of Psychiatrists

DIGEST: This bill requires the public guardian of a county to acknowledge receipt of a referral for conservatorship or guardianship, to complete their investigation within a reasonable period of time, and to provide status updates of the investigation to the referring party upon request.

Assembly Amendments gutted and amended this bill to its current form.

ANALYSIS:

Existing law:

- 1) Authorizes a court to appoint a conservator of the person or estate of an adult, or both, provided that the conservatorship is the least restrictive alternative necessary for the protection of the conservatee. (Probate (Prob.) Code, § 1800.3.)
- 2) Provides, subject to 1):

- a) A conservator of the person may be appointed for a person who is unable to provide properly for their personal needs for physical health, food, clothing, or shelter, except as specified.
 - b) A conservator of the estate may be appointed for a person who is substantially unable to manage their own financial resources or resist fraud or undue influence, except as specified.
 - c) A conservator of the person and estate may be appointed if the person meets the criteria for both conservatorship types.
 - d) A limited conservator of the person or of the estate, or both, may be appointed for a developmentally disabled adult; a limited conservatorship may be utilized only as necessary to promote and protect the wellbeing of the individual, shall be designed to encourage the development of maximum self-reliance and independence of the individual, and shall be ordered only to the extent necessitated by the individual's proven mental and adaptive limitations.
 - e) The standard of proof for the appointment of a conservator for any of the conservatorship types listed herein is clear and convincing evidence. (Prob. Code, § 1801.)
- 3) Provides for the establishment of a temporary conservatorship of the person, or the estate, or both, pending a decision on a petition for the appointment of a conservator. (Prob. Code, §§ 2250, 2250.2.)
- 4) Provides that, if any person domiciled in the county requires a guardian or conservator and there is no one else who is qualified and willing to act and whose appointment as guardian or conservator would be in the best interests of the person, either of the following applies:
- a) The public guardian shall apply for appointment as guardian or conservator of the person, the estate, or both, if there is an imminent threat to the person's health or safety or the person's estate.
 - b) In all other cases, the public guardian may apply for appointment as guardian or conservator of the person, estate, or both. (Prob. Code, § 2920(a).)
- 5) Requires the public guardian to apply for appointment as guardian or conservator of the person, estate, or both, if the court so orders.

- a) The court may make such an order upon motion of an interested person or on the court's own motion in a pending proceeding or in a proceeding commenced for that purpose.
 - b) The court shall order the public guardian to apply for appointment as guardian or conservator on behalf of any person domiciled in the county who appears to require a guardian or conservator if it appears that there is no one else who is qualified and willing to act, and if that appointment is in the best interests of the person; if, however, prior to the filing of the petition, it is discovered that there is someone else who is qualified and willing to serve, the public guardian shall be relieved of the duty under the court order.
 - c) The court shall not make such an order except after notice to the public guardian, as specified, consideration of the alternatives, and a determination that the appointment is necessary. (Prob. Code, § 2920(b).)
- 6) Requires the public guardian to begin an investigation as to whether a guardianship or conservatorship is necessary within two business days of receiving a referral for conservatorship or guardianship. (Prob. Code, § 2920(c).)

This bill:

- 1) Requires the public guardian to acknowledge receipt of an investigation referral.
- 2) Requires the public guardian to conclude a referral investigation within a reasonable period of time.
- 3) Provides that, when the public guardian investigates a referral for a conservatorship, the investigation must include a determination of whether or not a temporary or general conservatorship is warranted, and that the public guardian must inform the referring party of the status of the investigation upon request.

Comments

In California, if an adult is unable to manage their own personal or financial affairs, a court may appoint a conservator of the person, of the estate, or both, to assist the adult in managing those needs. When there is not a family member or other trusted adult to serve as the conservator, existing law authorizes the county

office of the public guardian to do so. Currently, anybody may refer an individual to the public guardian for a conservatorship, at which point the public guardian must conduct an investigation to determine whether it is appropriate to petition the court for a conservatorship.

This bill is intended to improve the conservatorship referral and investigation process. First, this bill requires the public guardian to acknowledge receipt of a conservatorship referral. Second, this bill requires the public guardian to complete its investigation within a reasonable period of time. Third, this bill requires the public guardian to include a determination of whether a temporary or general conservatorship is warranted. Fourth, this bill requires the public guardian to inform the referring party of the status of the conservatorship investigation upon request.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

Minor reimbursable state-mandated local costs to county public guardian offices to acknowledge receipt of referrals, make the specified determination as part of investigations, and respond to status requests from referring parties, subject to a determination by the Commission on State Mandates. These duties are administrative additions to the investigation existing law already requires, and any costs to an individual county are likely to be minor.

SUPPORT: (Verified 8/26/26)¹

California State Association of Psychiatrists (source)

OPPOSITION: (Verified 8/26/26)

None received

ARGUMENTS IN SUPPORT: According to the California State Association of Psychiatrists:

Under current law, a public guardian must begin an investigation within two business days of a referral, but there is no requirement that the investigation ever conclude, and no requirement to update the referring party. This can leave vulnerable adults like people with dementia, brain injury, or other cognitive impairments stuck in limbo for extended periods of time.

¹ Organizations that submitted support or opposition to the bill before it was gutted and amended are not listed.

SB 561 would require the public guardian to acknowledge receipt of a referral, begin the investigation within two business days as current law already requires, conclude that investigation within a reasonable time and reach a determination on whether conservatorship is warranted, and share status updates with the referring party upon request. These are common-sense safeguards that do not impose a rigid deadline or require disclosure of confidential records. Rather, they simply ensure cases get resolved and referring parties are not left in the dark.

ASSEMBLY FLOOR: 78-0, 8/25/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: McKinnor

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/26/26 18:59:15

**** END ****